

Exhibit 109

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Inside Sales Department
November 1997 Monthly Report

Personnel

- ☎ We still have one vacancy. Ellen has had few interviews, from which came only one promising applicant. A few other resumes have looked favorable, so more interviews should be scheduled soon.
- ☎ Ellen and I met with Ed Burkey, HR Specialist and Ali Thomas from JTSG, Roxane's recruiting agency, on 11/17. Our goal was to come to an understanding of what to look for in candidates for Inside Sales positions. This should help our pursuit of employees as Ali seemed to gain a better feel for what the job entails, the job experience preferred and personality types we desire.

Call Averages

- ☎ Total Inside Sales Department calls for October were 10,774. (September number was 9,410.)
 The breakdown is as follows:
 - ① The department's daily call quota was 46 calls per day. (12 reps. making 50=600 plus 2 Specialty reps. making 22 and 25=47. $600+47=647/14=46$. This excludes the Duraclon project numbers.)
 - ① The actual daily average achieved was 50.
 - ① The Hospice Representative achieved an average of 28 calls per day for a total of 486 calls. This number is up from last month.
 - ① The Addiction Therapy representative had a goal of 25 calls per day and achieved 359 for a total of 573 calls. Please note that this representative counts inbound and outbound calls towards her daily number.
 - ① In addition to those calls, Gerri Palmer made 186 Duraclon calls to 67 accounts. I am disappointed in the low volume of calls with this project. I've learned that we need to set firmer numbers for future projects.
- ☎ The total number of work days for October was 217.

Training

- ☎ Ellen attended the Roxane sponsored Supervisor Training on 11/6 and 7. Her comments on the two days were brief. She said the content was similar to most other Supervisor training programs, but there is always something new to learn or old ideas reinforced.
- ☎ Mary Lowe, Sharon Storck and Kim Witter took the initiative to attend Dimensions training classes on 11/10. This helped them to better understand KRA's and Maximizing Performance. Mary and Sharon are both on the Solutions Committee, which has been working with Ellen on developing KRA's for Inside Sales Representatives.
- ☎ I attended the Rater Accuracy class for Maximizing Performance on 11/12. This class was intended help ensure fair and consistent ratings of employees with respect to their KRA's. The best aspect of the class for me was simply hearing and re-acclimating myself with some of the language of Maximizing Performance.
- ☎ Impromptu coaching is still the standard with Ellen and the ISR's. She and I have had many discussions and agree that while impromptu sessions are productive, there is a need for planned, scheduled sessions. We agreed that this is a goal for which she should strive.
- ☎ Specialty Hospital selling was a subject at a recent staff meeting. Ellen explained when, how and what to promote to Prisons, Mental Health Facilities and Children's Hospitals. These types of facilities are low priority accounts, with necessary exception. Even so, the ISR's now have an understanding of how to target these accounts when they do call them.

Miscellaneous

- ☎ TeleMagic - the database has been working smoothly all month long!
- ☎ Randy Gustafson invited the department to have dinner with the RD training class. We had a good turnout. This type of function helps to develop a relationship between the two sales forces.
- ☎ Rhoda Loxley was helpful in providing information to the department in regard to the Ipratropium price reduction for GPO's. She provided a spreadsheet of all the GPO's who received the notification letter. This will help the reps. in knowing who to target.
- ☎ Lynda McCoy of Technical Information Services provided a copy of the Medicaid Coverage Report to assist the reps. in answering questions on Medicaid reimbursement. Lynda and I agreed that she would send the last copy upon her receipt of the newest.
- ☎ Things are coming together in preparation for using DDD sales data for 1998. Susan Gordon and I have discussed and worked through various issues and have begun discussion on how reports should be laid out. I will tell the department next week that most likely their quotas will not be available until the end of January. I will explain the reasons for this, and that we will then be set for the year, but still expect some negative fallout.

☛ Ellen has been involved in many tasks this month. Included are:

- ① Creating a Hospice Rebate Program POA for Inside Sales - she will soon be scheduling a meeting to roll it out.
- ① Promoted Product Giveaways - she has met with Judy Waterer and Cheri Mayhew to plan and decide on promotional aids for ISR promoted products in 1998.
- ① Literature/mailings - she has met with Cheri on how to handle literature requests with the new warehouse and how to send mailings most efficiently.
- ① Product Knowledge Book - Ellen has also been successful in resurrecting the maintenance of the Product Knowledge Book! She has put together a team who will be responsible. Yvonne Gordon is the coordinator and she will be assisted by Carolyn Galle, Judy Koenig and Maureen Mahoney. Attached on E-mail is a copy of Yvonne's POA for this project.

☛ Solutions Committee - they have met a few times this month. They worked with Ellen on developing KRA's for 1998 and also have made some recommendations for motivational contests. I had the pleasure of sitting in on one of their meetings. This is a good group that thinks through the entire process of any issues and recommendations that they are presented with by their co-workers. I expect to continue to see excellent plans coming from them.

Travel/Meeting Attendance

☛ Yvonne Gordon represented Roxane at the ASCP meeting in Philadelphia on November 12-14.

- ① Her initial response in regard to this meeting is that it was one of the best she has ever attended! The booth traffic was consistent and she got in good, quality presentations with many Consultant Pharmacists. The pain products were those most presented, especially Roxicodone and Oramorph SR. She also talked about Roxanol and Duraclon and got in Azathioprine and Hydroxyurea wherever she could.
- ① She participated in the Roxane sponsored Fun Run, which had a decent turnout. This run allowed for good exposure and contacts and Yvonne made friends with some of the participants.
- ① Yvonne also reports that the shared BIPI/Roxane booth was a tough adjustment. It was difficult juggling for space. Both Yvonne and the BI reps. wished for some basic pre-meeting cross-training on products to alleviate customer confusion. When customers would approach the booth and ask about Combivent, for example, she had to ask them to wait until the BI rep. was available and vice versa. Her suggestion is to have the two companies booths together, but with separate sides and counter space. It was difficult having Roxane and BI giveaways and literature and again, created customer confusion.

☛ A department meeting was held on 11/18 in which Ellen covered various topics. They included:

- ① Performance Maximization - STARS, Inside Sales Representative KRAs, Personal/Professional KRAs
- ① Specialty Hospital Targeting - see above under training
- ① Literature/Mailings - how to request literature and when it is appropriate to send it to a customer.
- ① Positive Contact Definition - What counts as a sales call and what does not. How to use voicemail to your best advantage
- ① Housekeeping Issues - 1998 Floating Holidays, Noise level at break and lunch times, Medicaid coverage list, greeting card distribution

Programs

☛ Craig Strickland and Joan Goad did a calling blitz to M Sobol source customers at the request of Debbie Kutner. The purpose was to promote the fact that Roxane's Ranitidine is in stock and available at a better price than NovoPharm's. The final results from this blitz will not be available until next week, but here are some of the basics:

- ① Craig and Joan split a list of 174 accounts.
- ① Unfortunately, they found that many of the pharmacies were not already in TeleMagic. Luckily, the list had phone numbers, so this didn't slow them down on making the calls, but it does raise the question of how many other Rx's do we not know about?
- ① Only very few pharmacies claimed to not use Sobol as their primary wholesaler.
- ① They took several Turnover Orders, mostly for the 150mg 60's. Dianna Weber was a big help, as she created a FAX cover sheet and Turnover Order form for them to use.

☛ Carolyn Galle and Joan Goad were elected by Ellen and myself to run a mini-pilot on selling Azathioprine and Hydroxyurea using the spread between WAC and AWP. Judy Waterer spent some time with the two of them explaining how to do this and what pitfalls they might come across. They are starting out with WAC vs. AWP in their message, but as they learn of a GPO acquisition cost from their customer they are adjusting the message. Both claim that this process is successful so far. They need to spend some more time on it and if it continues to work, we will train the entire department on how to use this message.

☛ Gerri Palmer's Duraclon Project report will come under separate E-mail.